

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RODNEY LEE,

Plaintiff,

v.

XACTUS, LLC

Defendant.

CIVIL ACTION No. _____

NOTICE OF REMOVAL

Document Electronically Filed

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ON NOTICE TO:

Rodney Lee
33 Wood Avenue South, Suite 600
Iselin, NJ 08830
(908) 355-6580
Pro se Plaintiff

Michelle M. Smith
Clerk of the Superior Court of New Jersey
R.J. Hughes Justice Complex
25 West Market Street
Trenton, New Jersey 08625

Deputy Clerk, Superior Court of New Jersey
Middlesex County Courthouse
56 Paterson Street
New Brunswick, New Jersey 08903

PLEASE TAKE NOTICE that, without waiving any defenses, Defendant Xactus, LLC (“Defendant”), hereby removes this civil action, pending in the Superior Court of the State of New Jersey, County of Middlesex, Case No. MID-DC-001803-23 (the “State Court Action”), to the United States District Court of the District of New Jersey, pursuant to 28 U.S.C. §§ 1441 and 1446, as amended, and in accordance with 28 U.S.C. § 1331, on the following grounds:

1. Plaintiff Rodney Lee (“Plaintiff”) commenced the State Court Action against Defendant by filing a complaint in the Superior Court of the State of New Jersey, County of Middlesex on or about February 21, 2023 (the “Complaint”).

2. On March 1, 2023, Defendant received a copy of the Summons and Complaint.

3. Defendant is timely filing this Notice of Removal within thirty (30) days of the receipt of the Summons and Complaint, in accordance with 28 U.S.C. § 1446(b)(1).

4. Plaintiff seeks to recover judgment against the Defendant for statutory damages, actual damages, punitive damages, costs, and interest for alleged violations of the Federal Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* and the Federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et. seq.*

5. Because Plaintiff brings the claims under federal statutes, there is federal question jurisdiction in this matter pursuant to 28 U.S.C. § 1331, which provides that the district court has original jurisdiction of “all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

6. Venue in this Court is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district corresponding to the place where the State Court Action is pending.

7. Removal of this case to the United States District Court for the District of New Jersey does not constitute a waiver by Defendant of its rights to seek dismissal of this lawsuit or of any other rights or defenses available to Defendant.

8. As required by 28 U.S.C. § 1446(a), a copy of all process, and pleadings served on Defendant are annexed hereto. (*See Exhibit A*).

9. As required by 28 U.S.C. § 1446(d), Defendant will provide written notice of this Notice of Removal to Plaintiff and will promptly file a copy of this Notice of Removal with the Clerk of the Superior Court of the State of New Jersey, County of Middlesex. (*See Exhibit B*).

WHEREFORE, Defendant removes this action from the Superior Court of the State of New Jersey, County of Middlesex, and requests that further proceedings be conducted in this Court as provided by law.

Dated: March 31, 2023
New York, New York

XACTUS, LLC

By: /s/ Joseph M. DeFazio
Joseph M. DeFazio, Esq.
TROUTMAN PEPPER HAMILTON SANDERS LLP
875 Third Avenue
New York, NY 10022
Telephone: (212) 704-6341
E-mail: joseph.defazio@troutman.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March 2023, I electronically filed the foregoing *Notice of Removal* with the Clerk of the Court using the CM/ECF system, and sent a copy via Federal Express to the Plaintiff addressed below:

Rodney Lee
33 Wood Avenue South Suite 600
Iselin, NJ 08830
Pro Se Plaintiff

By: /s/ Joseph M. DeFazio
Joseph M. DeFazio, Esq.